

IN RE: Analysis of Continued Availability of ) ORDER  
Unbundled Local Switching for Mass Market )  
Customers Pursuant to the Federal )  
Communications Commission’s Triennial )  
Review Order )

CompSouth's Petition requests that this Commission issue an Emergency Declaratory Ruling which declares that the obligations of parties to interconnection agreements filed with the Commission will remain in effect unless and until those interconnection agreements are amended, filed with, and approved by the Commission. CompSouth's Petition seeks expeditious consideration and an Order to maintain the status quo under existing interconnection agreements because of the deadline for the end of the Stay of the United States Telecom Association v. FCC, 359 F.3d 554 (D.C. Cir. 2004) decision, which was a short time after the filing of the emergency petition.

The Petition is denied. There is no cause to grant the Petition as there is no allegation that BellSouth, or any other Incumbent Local Exchange Carrier (ILEC) has acted contrary to the provisions of their tariff, interconnection agreements, or federal or state law. Changes in circumstances could give rise to further filings by the parties.

This holding is based in part on comments by BellSouth that it will continue to honor its existing interconnection agreements until those agreements have been conformed to be consistent with the U.S. Court of Appeals for the District of Columbia's mandate. Further, Verizon, although not a party to this docket, has filed a pleading confirming that Verizon has no intention of disconnecting any CLEC's services as a result of the Court's ruling, unless a Competitive Local Exchange Carrier (CLEC) chooses that option. Verizon also indicates that if CLECs do not opt for commercially negotiated arrangements, that it will provide CLECs with at least 90 days notice after the issuance of the Court's mandate before providing the CLECs service at resale rates which is more notice than the change of law provisions in Verizon's interconnection agreements typically require.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

/s/  
Randy Mitchell, Chairman

ATTEST:

/s/  
G. O'Neal Hamilton, Vice Chairman

(SEAL)